

Introduced by Senator Simitian

February 23, 2007

An act to amend Section 48021 of the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

SB 898, as introduced, Simitian. Solid waste: cleanup.

Under the California Integrated Waste Management Act of 1989, the California Integrated Waste Management Board is required to initiate a program for the cleanup of solid waste disposal sites and the cleanup of solid waste at codisposal sites, as defined, where the responsible party either cannot be identified or is unable or unwilling to pay for timely remediation, and where cleanup is needed to protect public health and safety or the environment. The act authorizes the board to expend a portion of the funds appropriated for the program for grants to public entities to abate illegal disposal sites, and specifies that for purposes of that authorization, an activity to remove or abate solid waste disposed into a municipal storm sewer is eligible to receive a partial grant, if the grant is used for solid waste cleanup, solid waste abatement, or any other activity that mitigates the impact of solid waste, and an ongoing program is established to prevent recurring solid waste disposal into the municipal storm sewer.

This bill would specify that the authorization to use a grant for any other activity that mitigates the impact of solid waste, concerns solid waste that would otherwise be disposed into the municipal storm sewer. The bill would also specify that the ongoing program established to prevent recurring solid waste disposal into the municipal storm sewer is required to be established by the public entity.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 48021 of the Public Resources Code is
2 amended to read:
3 48021. (a) In prioritizing the sites for cleanup pursuant to
4 Section 48020, the board shall consider the degree of risk to public
5 health and safety and the environment posed by conditions at a
6 site, the ability of the site owner to clean up the site without
7 monetary assistance, the ability of the board to clean up the site
8 adequately with available funds, maximizing the use of available
9 funds, and other factors as determined by the board.
10 (b) (1) In administering the program authorized by Section
11 48020, the board may expend funds directly for cleanup, provide
12 loans to parties who demonstrate the ability to repay state funds,
13 and provide partial grants to public entities, to assist in site cleanup.
14 (2) The board may expend funds directly for the cleanup of a
15 publicly owned site only if the board determines that the public
16 entity lacks resources or expertise to timely manage the cleanup
17 itself.
18 (3) In addition to the criteria specified in subdivision (a), in
19 considering partial grants that provide greater than 50 percent of
20 the funds directly for cleanup, the board shall consider the amount
21 of contributions of moneys or in-kind services from the applicant;
22 the availability of other appropriate funding sources to remediate
23 the site; the degree of public benefit; the presence of innovative
24 and cost-effective programs to abate or prevent solid waste
25 problems to be addressed by the grants; and other factors as
26 determined by the board.
27 (c) (1) In addition to the expenditures specified in subdivision
28 (b), the board may expend a portion of the funds appropriated for
29 the program to abate illegal disposal sites.
30 (2) For the purposes of this subdivision, the board may provide
31 grants to public entities.
32 (3) Where funds are provided by the board to address illegal
33 disposal sites within a jurisdiction, the local enforcement agency
34 shall provide ongoing enforcement to prevent recurring illegal
35 disposal at the site.

1 (4) For the purposes of this subdivision, an activity to remove
2 or abate solid waste disposed into a municipal storm sewer is
3 eligible to receive a partial grant, if the grant is used for solid waste
4 cleanup, solid waste abatement, or any other activity that mitigates
5 the impact of solid waste *that otherwise would be disposed into*
6 *the municipal storm sewer*, and an ongoing program is established
7 *by the public entity* to prevent recurring solid waste disposal into
8 the municipal storm sewer.

9 (d) In developing and implementing the program, the board
10 shall consult with certified local enforcement agencies and the
11 regional water boards.